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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2011-135**

11 **ROBIN A. NATION,**
12 **aka ROBIN A. NATION-WOOD**
13 **3014 Norman Place**
Bossier City, LA 71112
14 **Registered Nurse License No. 605667**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about August 29, 2002, the Board of Registered Nursing issued Registered
22 Nurse License Number 605667 to Robin A. Nation, aka Robin A. Nation-Wood (Respondent).
23 The Registered Nurse License will expire on December 31, 2011, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 2750 of the Code provides in part, that the Board may discipline any licensee,
2 including a licensee holding a temporary or an inactive license, for any reason provided in Article
3 of the Nursing Practice Act.

4 5. Section 2764 of the Code states:

5 "The lapsing or suspension of a license by operation of law or by order or decision of the
6 board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the
7 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
8 against such license, or to render a decision suspending or revoking such license."

9 STATUTORY PROVISIONS

10 6. Section 2761 of the Code states in part:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
15 functions.

16 STATE REGULATORY PROVISIONS

17 7. California Code of Regulations, title 16, section 1442, states:

18 "As used in Section 2761 of the code, "gross negligence" includes an extreme departure
19 from the standard of care which, under similar circumstances, would have ordinarily been
20 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
21 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
22 a single situation which the nurse knew, or should have known, could have jeopardized the
23 client's health or life."

24 8. California Code of Regulations, title 16, section 1443, states:

25 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
26 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
27 exercised by a competent registered nurse as described in Section 1443.5."

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9. California Code of Regulations, title 16, section 1443.5 states in part:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

COST RECOVERY

10. Section 125.3 of the Code provides in part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in conjunction with California Code of Regulation section 1442, on the grounds of unprofessional conduct, in that Respondent's nursing care for Patient T.V. represented an extreme departure from the standard of care that would have ordinarily been exercised by a competent registered nurse in a similar situation. Respondent repeatedly failed to provide the required nursing care, to Patient T.V., in a manner which she knew, or should have known, could have and did jeopardize the health and life of Patient T.V. The circumstances are as follows:

12. On or about September 27, 2004, Patient T.V.¹, a 47 year old man, was referred to the emergency department, because his condition was in decline after an aortic valve replacement on or about August 17, 2004. On or about September 28, 2004, Patient T.V. was admitted to the Bakersfield Memorial Hospital Emergency Department, because previous diagnostic tests

¹ Patient's name is withheld for privacy reasons. Patient's name will be disclosed upon discovery request.

1 revealed fluid in the pericardium, which is a sac around the heart². Patient T.V.'s symptoms
2 consisted of, but were not limited to: fainting; rapid heart rate; abnormally low blood pressure;
3 chest pain; and low blood oxygen levels that required him to have an intranasal oxygen flow.
4 Respondent was the nurse assigned to Patient T.V.

5 13. Respondent failed to document an assessment regarding Patient T.V.'s lung sounds,
6 color, skin signs, and level of consciousness. Respondent failed to initiate an IV, after Patient
7 T.V. was admitted to the emergency room, only doing so hours later. Patient T.V. was placed on
8 a cardiac monitor, and yet, Respondent never indicated or documented any interpretation of this
9 data. Respondent sent Patient T.V. for diagnostic testing without monitoring or a nurse transport.
10 Patient T.V.'s spouse insisted that he needed to be accompanied by Respondent or another nurse,
11 in case his condition suddenly worsened. Respondent agreed to accompany Patient T.V. to his
12 diagnostic testing, only at the insistence of Patient T.V.'s spouse.

13 14. In Respondent's nurse notes, she describes Patient T.V. as "asymptomatic" when he
14 has a documented blood pressure of 70/40 with a corresponding heart rate of 130. This is
15 indicative of Patient T.V. slowly losing blood, due to pericardial tamponade, which caused his
16 blood pressure to drop and his heart to accelerate in an effort to increase his body's blood volume.
17 Patient T.V. is further described as having no complainants even though he requires supplemental
18 oxygen.

19 15. Respondent failed to continually assess Patient T.V., and failed to formulate a nursing
20 diagnosis and implement a care plan. Respondent failed to properly document her care of patient
21 T.V. and his condition. Furthermore, Respondent failed to intervene and or communicate with
22 physicians when Patient T.V.'s condition changed.

23 16. While in the care of Respondent, Patient T.V.'s condition continued to deteriorate. In
24 the early morning of September 29, 2004, Patient T.V. was taken for emergency surgery. Patient
25 T.V.'s condition was so dire that upon intubation he coded. The surgical team instituted life

26 ² Also known as Pericardial Tamponade, a life threatening condition classified as a large
27 amount of fluid (usually blood) inside the pericardial sac around the heart, which interferes with
28 the performance of the heart. If left untreated, the end result is low blood pressure, shock and
death, due to the out pouring of fluid within the pericardial sac smashing the heart.

1 sustaining activity and proceeded with the surgery. After surgery, Patient T.V. never regained
2 consciousness and was taken off life support on October 4, 2004.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 17. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in
6 conjunction with California Code of Regulations sections 1443 and 1443.5, subdivision (1), on
7 the grounds of unprofessional conduct, in that in that Respondent failed to exercise the degree of
8 learning, skill, care and experience ordinarily possessed and exercised by a competent registered
9 nurse. Complainant's allegations, as set forth in paragraphs 11 through 16, are incorporated by
10 reference, as though fully set forth.

11
12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 605667, issued to Robin
16 A. Nation, aka Robin A. Nation-Wood;

17 2. Ordering Robin A. Nation, aka Robin A. Nation-Wood to pay the Board of
18 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
19 pursuant to Code section 125.3; and

20 3. Taking such other and further action as deemed necessary and proper.
21
22

23 DATED: _____

8/17/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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